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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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In the Matter of

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Improving Commission Processes

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PP Docket No. 96-17

COMMENTS

Pursuant to the Commission's Notice of Inquiry in the above-captioned proceeding,<sup>1</sup> the National Exchange Carrier Association, Inc. (NECA),<sup>2</sup> hereby submits the following Comments.

The Commission asked for input on a series of questions on its processes in order to attain its goals to eliminate redundancy, reduce waste, privatize where warranted, consolidate and automate for efficiency and expand the use of alternative rulemaking mechanisms.<sup>3</sup> Commenters are asked to address which procedures or rules can be eliminated and how those that remain can be made more efficient. The Commission stated it welcomes any suggestion, from a minor change to a major

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<sup>1</sup> Improving Commission Processes, Notice of Inquiry, PP Docket No. 96-17 (released February 14, 1996) (Notice).

<sup>2</sup> NECA is a not-for-profit, membership association, serving over 1400 local exchange carrier (EC) study areas. NECA members include all local exchange carriers in the United States, Puerto Rico, the U.S. Virgin Islands and Micronesia. NECA is responsible, under Subpart G of Part 69 of the Commission's rules, for activities including the preparation of access charge tariffs on behalf of all telephone companies that do not file separate tariffs, collection and distribution of access charge revenues, the administration of the Universal Service and Lifeline Assistance programs, and the administration of the interstate Telecommunications Relay Service fund. See 47 C.F.R. § 69.603 and § 64.604.

<sup>3</sup> Notice at ¶ 9.

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overhaul.<sup>4</sup> The Notice asks commenters to keep in mind the effects of the implementation of the Telecommunications Act of 1996<sup>5</sup> and current budgetary constraints.<sup>6</sup>

The Notice is the latest step in the Commission's ongoing efforts to improve the speed and quality of its service.<sup>7</sup> NECA supports the Commission's further efforts to streamline its processes as outlined in this Notice. NECA is providing comments to encourage the increased use of electronic information, streamlining of filing processes and speedier resolution of issues.

#### **I. Use of Electronic Information**

In order to adequately participate in Commission proceedings of interest, parties need to quickly receive all documents on the record. The need for timely receipt of documents is highlighted by the Commission's Public Notice on implementation of the Act.<sup>8</sup> This notice makes it especially important for interested parties to receive both Commission notice of comment cycles and other parties' filings on an expedited basis. Absent timely document distribution, parties will be hampered in their ability to prepare comprehensive responses. To the extent that timeliness and completeness can be achieved, the industry and the Commission will benefit from complete filings that address all needed issues.

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<sup>4</sup> Id.

<sup>5</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (Act).

<sup>6</sup> Notice at ¶ 3.

<sup>7</sup> See, e.g., "Report on Creating an FCC for the Information Age", from the Special Counsel to the FCC on Reinventing Government, Public Notice 51978, February 2, 1995.

<sup>8</sup> See "Commission Announces Streamlined Procedures for Rulemaking Proceedings Implementing Telecommunications Act of 1996", Public Notice, FCC 96-81 (released March 1, 1996). The Commission Notice states the likelihood of shortened comment and reply cycles, as well as page limitations and encouragement of consolidated filings.

NECA believes that further development of the Commission's use of electronic information could yield a large return in terms of faster dissemination of information. The Commission has taken steps to make information available electronically.<sup>9</sup> However, these sources are limited to Commission documents and they are not always readily available because the demand for access is so great. There needs to be a means of getting industry input electronically as well. NECA suggests the Commission meet with industry participants to study the best way to improve the electronic dissemination of information.

With the widespread use of computers, filing pleadings electronically should become the first choice filing method.<sup>10</sup> Filings could be sent to the Secretary's office via electronic mail (EMail), an advantage for those who do not have a convenient presence in Washington, D.C. Acknowledgment of receipt of filings could be accomplished via a return EMail from the Commission Secretary's Office. Filing parties could submit their filings through EMail or supply disks to the copy contractor, Commission staff and service copy recipients. Paper copies could of course be printed from any of these sources, if needed. In short, filings could eventually be made without use of disk, paper or even a visit to the Commission Secretary's office.<sup>11</sup>

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<sup>9</sup> Commission documents are available on-line through its World Wide Web site on the Internet, as well as the FCC-State Link bulletin board systems. Information is also available at the Commission's offices through the Retrieval Image Processing System (RIPS).

<sup>10</sup> See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Notice of Proposed Rulemaking and Order Establishing Joint Board (released March 8, 1996) (NPRM). The Commission asks parties to submit comments on disk as well as paper.

<sup>11</sup> A side benefit to this method would be significant savings in the amount of paper the industry uses as well as the amount the Commission must store.

Since disseminating filings electronically is faster than printing paper copies, interested parties could receive others' pleadings much quicker. Word searches could key in on topics of interest so that summarizing pleadings and preparing responses could also be easier. Depending on the issue and volume of comments, reply cycles might be shortened to reflect this faster receipt and summarization of information.

Another prevalent need is assurance that interested parties have a complete record on which to base their responses. Since the Secretary's Office is the central receiving entity for filings, they should establish timely lists of documents received for each proceeding. A minimum of information is needed (filing party, date and proceeding) in order for interested parties to be able to check what they have against what has been filed. These lists should also be made available electronically.

If paper copies must be filed, NECA suggests the number be kept to a minimum. Generally, filing parties are required to submit an original and at least four copies to the Secretary's office, one copy to the Commission's copy contractor and one or more copies to Commission staff who are dealing with the issue.<sup>12</sup> Commission review and publication of the specific copies needed for each proceeding may offer other efficiencies to both the industry and the Commission.

## **II. Filing Processes**

There are processes unique to Commission regulatory filings that lend themselves to improvement, including special permissions related to tariffs, filing fees and applicable rules. Improvements in these areas may save time and make the process go more smoothly.

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<sup>12</sup> Most Public Notices specify the number of copies to be filed. If no requirement is specified, general guidance is offered in several places, including 47 C.F.R. §§ 1.51, 1.419, 1.420(e) and 1.429(h).

Exchange carriers file numerous tariff revisions each year in addition to annual access tariff filings. All filings must comply with Commission requirements.<sup>13</sup> In addition to comments made here, NECA suggests the Commission pursue continued evaluation of all applicable rules in order to facilitate the filing process.

Many tariff filings require letters requesting special permission from the Commission.<sup>14</sup> Time could be saved by an electronic or verbal method of obtaining special permission numbers. Additionally, when Commission action necessitates tariff changes, Orders could contain the necessary special permission references.

Tariff transmittals as well as other types of pleadings must be accompanied by a fee,<sup>15</sup> but the fee and the actual filing are sent to two different locations. Although Part 1 rules allow wire transfers from the filing party's account to pay filing fees, paperwork is still required.<sup>16</sup> Greater efficiency could be achieved if paperwork could also be filed electronically and acknowledgment of receipt of payment could be received back in the same manner.

Requests for waiver of filing fees must be submitted to the Office of Managing Director for resolution.<sup>17</sup> The authority to rule on fee waivers should be delegated to the respective Bureaus, rather than requiring separate consideration by the Managing Director. This would be especially helpful to smaller companies who need waiver of the fees.

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<sup>13</sup> See generally 47 C.F.R. Part 61.

<sup>14</sup> See 47 C.F.R. § 61.151 and following.

<sup>15</sup> See 47 C.F.R. §61.20 and 47 C.F.R. Part 1.

<sup>16</sup> See 47 C.F.R. §§ 1.1108 and 1.1109.

<sup>17</sup> See 47 C.F.R. § 1.1116.

Any rules applicable to the above processes should be reviewed and modified as appropriate to further the Commission's goals in this proceeding. Rule changes would be needed for some of the above suggestions to be implemented. Additionally, date calculation rules require time consuming interpretation and might benefit from simplification. Ideally, the Commission could publish specific comment and reply dates rather than specifying the number of days in conjunction with every announcement of establishment of a comment cycle.

### **III. Resolution of Critical Issues**

The Commission receives numerous requests for issue clarifications and rule interpretations. Industry and Commission efficiencies, and enhanced ability for all to comply with Commission rules, would be aided by prompt Commission action on these matters. Repetitive filings could also be avoided if generic decisions could be applied when similar requests are made.

Among the ways the Commission could help assure prompt resolution on critical rule interpretations is to track such pending items. NECA suggests that the Commission maintain and make available to the public a list of current open rule interpretations. This list should contain Commission target deadlines for resolution on the matters. Making such a list available to interested parties could reduce the number of inquiries regarding status, could allow the industry to better plan for actions resulting from issue resolutions, and should enhance rule compliance.

Changing industry circumstances frequently result in a need for Commission rule waivers. Numerous parties, for example, have requested Part 69 waivers for billing of end user common line (EUCL) and carrier common line (CCL) charges when the presence of resale entities makes current rules unworkable. When granting a waiver request to a particular party, the Commission could also grant generic waivers for other parties meeting the specified circumstances. This procedure could

avoid the filing of numerous, virtually-identical waivers, filing and review of comments on those waivers and preparation of Commission Orders granting the same waivers to different carriers.

The Commission has already eliminated or reduced some reporting requirements. Continued evaluation of reports to review their usefulness will help eliminate unnecessary paperwork. Minimal reporting requirements which do not compromise the reports' effectiveness should then be set.

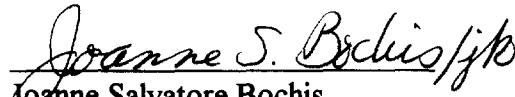
#### **IV. Conclusion**

The Commission is making progress in its efforts to streamline its processes. NECA suggests that additional focus be placed on enhancement of electronic exchange of information, simplifying tariff filing requirements, reducing reporting requirements and rapid resolution of rules affecting issues.

Respectfully submitted,

NATIONAL EXCHANGE CARRIER  
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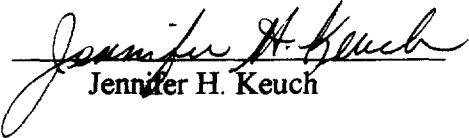
Its Attorney

March 15, 1996

# CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served this 15th day of March 1996, by mailing copies thereof by United States Mail, first class postage paid, or by hand delivery, to the persons listed below.

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Jennifer H. Keuch

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